

## MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, February 28, 1923.

To the Members of the House of Representatives, Thirty-eighth Legislature.

Gentlemen: I am returning herewith to you, with my disapproval and veto, House bill No. 11. This bill provides that when the sheriff or any constable of a county takes into his custody a lunatic, that said lunatic "shall not be incarcerated in any jail, if there is a county or city hospital in the county where the warrant for the arrest of said lunatic is issued, but such person, that is, the lunatic, shall be placed in either the county or city hospital and there detained until trial and commitment into the State asylum."

It is clearly observed from the reading of the bill that the officer has no discretion. He is prohibited from placing the lunatic in the jail if there is a county or city hospital anywhere in the county. Quite frequently, a lunatic becomes a raging, dangerous character; frequently they are boisterous and obstreperous. It appears to me that it

would be unwise to incarcerate either a desperate character or a boisterous character in the average city or county hospital filled with sick women and children. It might not only be dangerous, but nerve-wrecking to patients in such hospitals and detrimental in many ways to the peace and quietude of the institution. Under the provisions of the bill, it might be necessary to keep a dangerous or a boisterous non compos mentis in one of these hospitals for weeks, and it would make no difference how violent the lunatic might become or what exigencies might arise that would necessitate his confinement in a safer and more secure place, the sheriff or constable could not, without violating the law, place said lunatic or non compos mentis in jail for safe and secure keeping. If, under the provisions of the bill, an officer had been allowed to exercise discretion in the safekeeping of lunatics, the bill might have proved to be a much-needed and effective one, but to prohibit an officer from placing a lunatic in jail for safekeeping at any time and under any conditions certainly would not be wise. For these reasons the bill is hereby disapproved, vetoed and returned to you.

Respectfully,

PAT M. NEFF,

Governor.